

Municipal Water Rights - 2E2SHB 1338

2003 Special Session of the Legislature

Summary of Major Features

1. Clarifies the definition of municipal water supply to include (1) water supplied to fifteen or more residential connections, (2) water used for governmental purposes (by counties, cities, towns, public utility districts, water and sewer districts), and (3) other beneficial uses generally associated with water use within a municipality (e.g., fire flow, park irrigation, industrial/commercial, system maintenance, etc.). (NOTE: Under current law, water rights for municipal supply purposes do not “relinquish” due to lack of use.)
2. Authorizes the use of a municipal water right for environmental purposes (e.g., fish and wildlife, water quality, habitat values) and to implement watershed plans, habitat conservation plans, FERC licenses, etc.
3. Clarifies that existing municipal rights may be used to serve additional people and homes, where approved by the Department of Health.
4. Clarifies that the place of use of municipal water rights includes the municipal supplier's service area, as authorized by the Department of Health. Any change in a place of use must not be inconsistent with land use or watershed plans. Establishes a duty to serve within the authorized retail service area.
5. Clarifies the legal status of existing municipal water right certificates issued for future growth by declaring them to be in good standing.
6. Mandates water conservation for all municipal suppliers. Requires Health to adopt comprehensive rules by December 2005. To fund the development and implementation of the conservation program, the bill allows Health to collect additional operating permit fees equivalent to 25 cents per residential service connection per year through June 2007.
7. Requires Health to consult annually with Ecology, Fish and Wildlife, and Community, Trade and Economic Development, regarding coordination of water system plans and watershed plans. Require watershed implementation plans to address the future use of inchoate water rights.
8. Prioritizes existing instream flow funding to areas where the exercise of inchoate rights may greatly affect streamflows.
9. Clarifies requirements for consideration of water reuse when preparing water supply and wastewater treatment plans.
10. Allows inchoate (authorized but never used) surface water rights to be moved outside of the authorized service area if instream flows are addressed, or in cases of public health emergencies.
11. Authorizes a pilot watershed agreement to allow water right holders to gain additional flexibility and certainty in exchange for contributing to watershed objectives

(For full text of the bill, go to the Legislature’s web site at: <http://www.leg.wa.gov/wsladm/bills.cfm> and type in the bill number)